

ORDINANCE 08-39

**AN ORDINANCE OF THE CITY OF WESTFIELD
CONCERNING WASTE WATER RATES AND CHARGES AND
CERTAIN RELATED MATTERS AND AMENDING AND
SUPERSEDING PRIOR ORDINANCES RELATING THERETO**

WHEREAS, the City of Westfield, Indiana (the "City") is governed by the city Council (the "Council"); and

WHEREAS, the City owns and operates a wastewater utility through its Department of Public Works (the "Department"); and

WHEREAS, the City operates a wastewater utility and has in place rates, charges and fees pursuant to wastewater Ordinances and this ordinance amendment change shall have no effect on any other ordinance already in full force effect.

WHEREAS, the Council adopted rates and charges for wastewater services pursuant to Ordinance 04-16 enacted on June 14, 2004; and

WHEREAS, the Council has the authority to amend ordinances and to establish and adjust rates and charges for wastewater utility service, and

WHEREAS, the City requested its financial adviser to examine the rates and charges in respect to the cost of service for providing wastewater utility service to the City's customers; and

WHEREAS, as a result of the examination by the City's financial advisers, the Council has determined that it is in the best interest of the City to adjust the rates and charges to fully recover the costs and services to its customers; and

WHEREAS, the City has consulted with its financial advisor and finds that the changes contemplated hereby are reasonable, non-discriminatory and just; and

WHEREAS, the Council has been advised that the proper notice has been given as required and a hearing on such rates and charges has been conducted by the Council ; and

WHEREAS, the City desires to amend and restate its rate and fee structure stated in Ordinance No. 04-16

NOW, THEREFORE, BE IT ORDAINED, by this City Council of the City of Westfield, Indiana, meeting in regular session, that:

Section 1. The 1-Public Utilities of the City of Westfield, Indiana, Basic Code of Ordinances, Section 13.12.030 is amended by the addition of the language, as follows:

Section 2.a. North Service Area Residential Customers. For those residential customers located in the areas identified on the attached service area map (See Exhibit A) as the North Service Area, the rates and charges shall as follows:

Monthly Rate for all north service area metered customers:

	<u>Effective for Bills Rendered after January 1st for the Years Below</u>		
	<u>2009</u>	<u>2010</u>	<u>2011</u>
Monthly Minimum Bills for all Customers using the following gallon minimums	\$25.49 3000 gal. min.	\$31.30 4000 gal. min.	\$37.10 5000 gal. min.
Treatment Rate per 1,000 gallons for monthly utilization in excess of 5,000 gallons (Cost per 1,000 gal.)	\$4.79 (/1000)	\$4.93 (/1000)	\$5.08 (/1000)
Maximum monthly rate for metered Customers based on 10,000 gallons	\$59.02	\$60.88	\$62.50
Monthly Rate for unmetered Residential Users (computed based on 10,000 gallons per month)	\$59.02	\$60.88	\$62.50

Section 2.b. South Service Area Residential Customers. For those residential customers located in areas identified on the attached service area map (See Exhibit A) as the South Service Area, the rates and charges shall be as follows:

Monthly Rate for all south service area metered customers:

	<u>Effective for Bills Rendered after January 1st for the Years Below</u>		
	<u>2009</u>	<u>2010</u>	<u>2011</u>
Minimum Bills based on 5000 gallon minimum	\$35.07 5000 gal. min.	\$36.23 5000 gal. min.	\$37.10 5000 gal. min.

Treatment Rate per 1,000 gallons for monthly utilization in excess of 5,000 gallons (Cost per 1,000 gal.)	\$4.79 (/1000)	\$4.93 (/1000)	\$5.08 (/1000)
Maximum monthly rate for metered Customers based on 10,000 gallons	\$59.02	\$60.88	\$62.50
Monthly Rate for unmetered Residential Users (computed based on 10,000 gallons per month)	\$59.02	\$60.88	\$62.50

Section 2.c. Commercial Sewage Rate. For all customers served by the wastewater utility who are not residential users, rates and charges shall be as follows:

Monthly Rate for all metered north and south service area non-residential customers:

	<u>Effective for Bills Rendered after January 1st for the Years Below</u>		
	<u>2009</u>	<u>2010</u>	<u>2011</u>
Minimum Bills for first gallon minimum	\$35.07 5000 gal. min.	\$36.23 5000 gal. min.	\$37.10 5000 gal. min.
Treatment Rate per 1,000 gallons for monthly utilization in excess of 5,000 gallons (Cost per 1,000 gal.)	\$4.79 (/1000)	\$4.93 (/1000)	\$5.08 (/1000)

Section 3. Customer Account Deposit.

Any existing or new customers rendering services after December 31, 2008, that have a history of poor credit ratings either with the City of Westfield Public Works Department or have a documented poor credit rating, shall deposit an amount not to exceed an amount equal to 3 monthly wastewater bills based on 5000 gallons usage. Administration of Customer Account Deposits will be administered pursuant to IC 39-9-23-28.

Section 4. Other Charges.

All customers shall be subject to the following charges:

	<u>Effective for Bills Rendered after January 1st for the Years Below</u>		
	<u>2009</u>	<u>2010</u>	<u>2011</u>
Reconnection Charge	\$22.00	\$23.00	\$24.00
Returned Check Charge	\$25.00	\$26.00	\$27.00

Administrative Account Charge	\$17.00	\$18.00	\$19.00
Fee for customers choosing to change information on their account.			

Section 5. Any owner-occupant who is eligible for, and has filed one of the following claims listed below is eligible for a ten dollar (\$10.00) per month credit from the residential minimum monthly scheduled rates listed above:

- a. A claim for an over age 65 deduction for property taxes pursuant to Indiana Code 6-1.1-12-9;
- b. A claim for a blind and disabled deduction for property taxes under Indiana Code 6-1.1-12-11;
- c. A claim for a disabled veteran or surviving spouse of a World War I veteran deduction for property taxes pursuant to Indiana Code 6-1.1-12-13

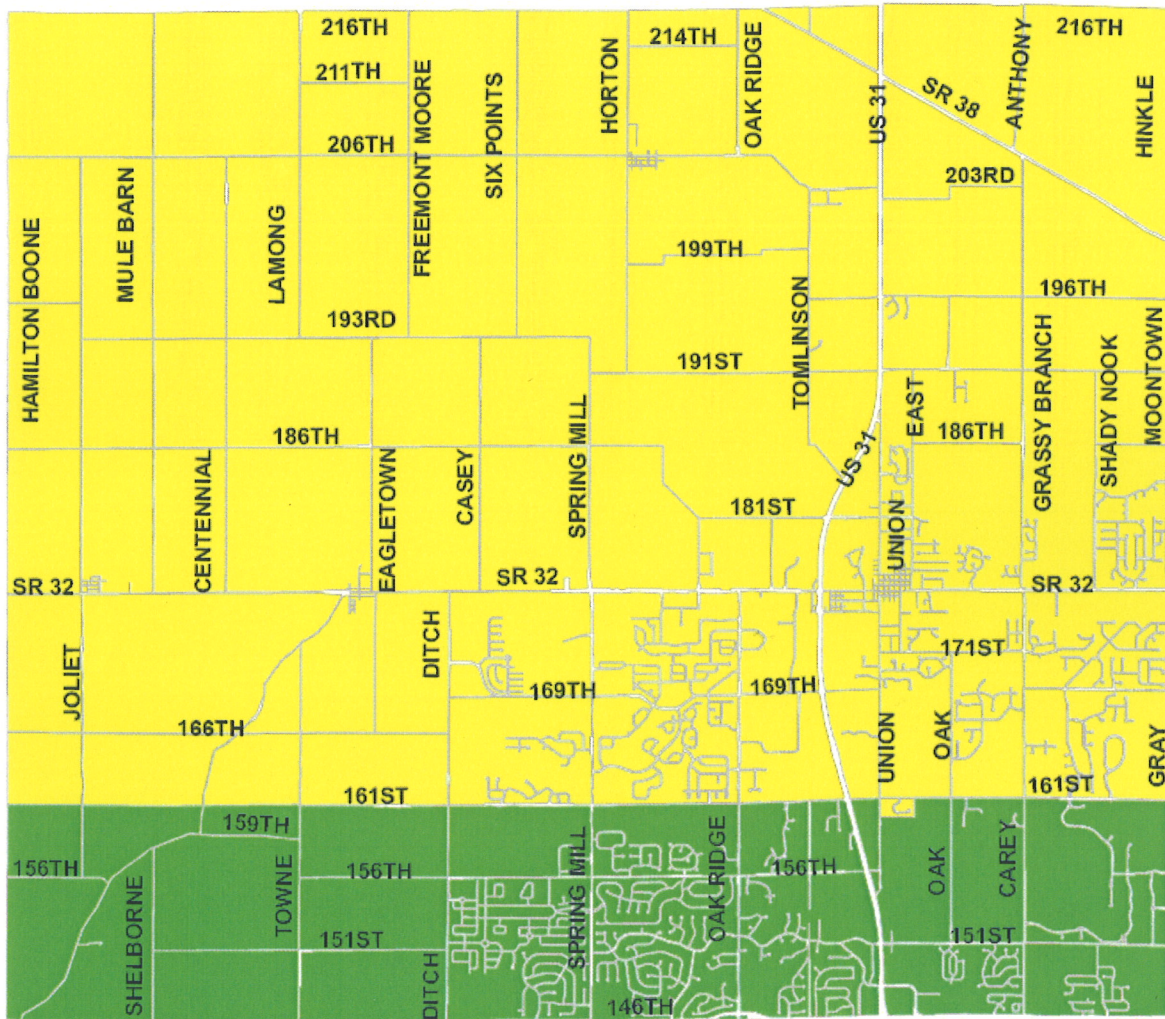
A residential parcel may receive only one (1) credit even though the owner-occupant may be eligible under more than one statute.

Such claims must be filed with the Hamilton County Auditor and the property owner shall not be eligible for the credit until January 1, 2009, or the first billing cycle after the claim is filed. Any owner-occupant must file a marked copy of the owner's affidavit requesting one of the above listed deductions with the Westfield Public Works Department's Customer Service Division to be eligible.

Section 6. Prior Ordinances. Except as otherwise set forth herein, this Ordinance supersedes Ordinance 04-16.

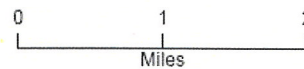
Section 7. Effective Date. This Ordinance shall be in full force and effect in accordance with Indiana law after December 31, 2008, all as provided by the laws of the State of Indiana. All ordinances or parts thereof that are in conflict herewith are hereby ordered repealed, except as set forth herein.

Westfield Public Works Sanitary Sewer Service Areas



WPWD Sanitary Service Areas

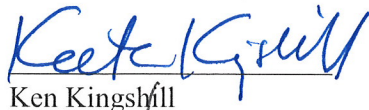
- North Service Area
- South Service Area

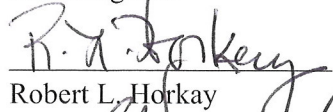


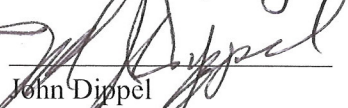
ADOPTED AND PASSED THIS 13 DAY OF Oct, 2008, BY THE WESTFIELD CITY COUNCIL, HAMILTON COUNTY

WESTFIELD CITY COUNCIL


Voting For


Ken Kingshill

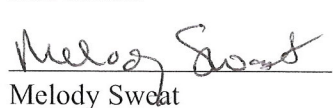

Robert L. Horkay


John Dippel


Bob Smith


Tom Smith

Rob Stokes


Melody Sweat

Voting Against

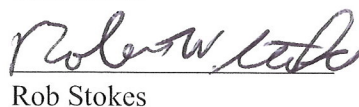
Ken Kingshill

Robert L. Horkay

John Dippel

Bob Smith

Tom Smith


Rob Stokes

Melody Sweat

Abstain

Ken Kingshill

Robert L. Horkay

John Dippel

Bob Smith

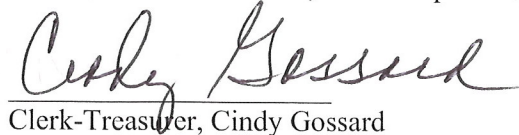
Tom Smith

Rob Stokes

Melody Sweat


ATTEST:

"I affirm, under the penalties of perjury, that I taken reasonable care to redact each Social Security Number in this document, unless required by law."


Clerk-Treasurer, Cindy Gossard

This ordinance prepared by
Steven M. Sherman, Attorney at Law
KRIEG DEVAULT, LLP
One Indiana Square
Indianapolis, Indiana
317-238-6233

"I affirm, under the penalties of perjury,
that I have taken reasonable care to redact
each Social Security Number in this
document, unless required by law"


Signed

I hereby certify that ORDINANCE 08-39 was delivered to the Mayor of Westfield

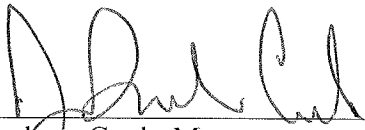
on the 14 day of Oct, 2008, at 9:30 A m.



Cindy Gossard, Clerk-Treasurer

I hereby APPROVE ORDINANCE 08-39

this 14 day of Oct, 2008.



J. Andrew Cook, Mayor

I hereby VETO ORDINANCE 08-39

this _____ day of _____, 2008.

J. Andrew Cook, Mayor